

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:04CR100-MU

UNITED STATES OF AMERICA	)	
	)	
v.	)	<u>O R D E R</u>
	)	
ISAAC EUGENE ASBURY,	)	
	)	
Defendant.	)	

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**THIS MATTER** is before the Court on Defendant's "Motion To Suppress and Memorandum of Law" filed September 28, 2005. Before a hearing is scheduled on Defendant's motion, counsel will be required to meet in person to discuss their respective positions, including the possibility of a mutually acceptable plea agreement. Thereafter, unless Defendant explicitly withdraws his motion, the undersigned will require a written response from the Government.

**NOW THEREFORE**, in the interest of the fair and efficient administration of justice:

1. Counsel shall meet in person **on or before Friday, October 21, 2005**, to discuss their respective positions--both regarding a fair and appropriate disposition of the charges generally, and regarding Defendant's Motion To Suppress in particular.

2. Unless Defendant has withdrawn his Motion to Suppress **on or before Thursday, October 27, 2005**, the Assistant U.S. Attorney handling this case (Richard S. Glaser) shall file a written

response to Defendant's motion on or before that date. In addition to filing, a copy of the Government's response shall be hand-delivered to the chambers of the undersigned the same day it is filed.

3. If the "Motion to Suppress" is not withdrawn, a hearing shall be held thereon on **Thursday, November 3, 2005, at 10:00 a.m.**, in the U.S. Magistrate Judge's Courtroom, First Floor, U.S. Courthouse, 401 W. Trade Street, Charlotte, N.C.

4. The Clerk is directed to send a copy of this Order to defense counsel; AUSA Glaser; and to the Honorable Graham C. Mullen.

**SO ORDERED.**

**Signed: September 29, 2005**

*Carl Horn, III*

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Carl Horn, III  
United States Magistrate Judge

